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7590 03/26/2008 MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER TAYLOR, JOSHUA D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/807,469

**Applicant(s)**

MIYATA, KATSUYA

**Examiner**

JOSHUA TAYLOR

**Art Unit**

4157

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 3/24/2004, 4/27/2005, 5/7/2007

## DETAILED ACTION

### *Claim Objections*

Claim 15 objected to because of the following informalities: There is a lack of antecedent basis for **“an image of a CM,”** as nowhere in the specification does applicant define what this term means. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, applicant refers to **“an image of a CM.”** However, nowhere in the specifications does applicant define CM.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-6, 15, 17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell et al. (US Pat. 6,535,590) in view of Willame et al. (Pub. No.: US 2006/0179462).

Regarding claim 1: **A communication terminal comprising: a video reproduction means for carrying out a video reproduction (Tidwell, Fig. 1, column 1, lines 15-19); a communication means for carrying out a communication (Tidwell, Fig. 1, column 1, lines 38-43); a storage means for storing an incoming-reporting condition indicating whether a video reproduction takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said video reproduction (Willame, paragraphs [0033]-[0034]); and a setting means for setting said incoming-reporting condition (Tidwell, Fig. 4 and 11, column 8, lines 55-59); wherein, in the event of an incoming in the course of a video reproduction carried out by said video reproduction means, said incoming is reported in accordance with said incoming-reporting condition (Tidwell, Fig. 4 and 11,**

column 8, lines 62-67). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched, and basing the decision to inform the user on this information. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched.

Regarding claim 2: **A communication terminal comprising: a video reproduction means for carrying out a video reproduction (Tidwell, Fig. 1, column 1, lines 15-19); a communication means for carrying out a communication (Tidwell, Fig. 1, column 1, lines 38-43); a storage means for storing an incoming-reporting condition indicating whether a video reproduction takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said video reproduction (Willame, paragraphs [0033]-[0034]); and a setting means for setting said incoming-reporting condition (Tidwell,**

Fig. 4 and 11, column 8, lines 55-59); **wherein, in the event of an incoming in the course of a video reproduction carried out by said video reproduction means: said incoming is not reported if said incoming-reporting condition is set to indicate that said video reproduction takes precedence of an operation to report said incoming** (Tidwell, Fig. 4 and 11, column 8, lines 62-67); **or said incoming is reported if said incoming-reporting condition is set to indicate that an operation to report said incoming takes precedence of said video reproduction** (Tidwell, Fig. 4 and 11, column 8, lines 62-67). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched, and basing the decision to inform the user on this information. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched.

Regarding claim 5: **A communication terminal comprising: a TV-broadcast receiving means for receiving a TV broadcast** (Tidwell, Fig. 1, column 1, lines 15-19); **a display means for carrying out an operation to display an image of a TV broadcast received by said TV-broadcast receiving means** (Tidwell, Fig. 1, column 1, lines 12-15); **a communication means for carrying out a communication** (Tidwell, Fig. 1, column 1, lines 38-43); **a storage means for storing an incoming-reporting condition indicating whether an operation to display an image of a TV broadcast takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said operation to display an image of a TV broadcast** (Willame, paragraphs [0033]-[0034]); **and a setting means for setting said incoming-reporting condition; wherein, if an incoming arrives while said display means is carrying out an operation to display an image of a TV broadcast, said incoming is reported in accordance with said incoming-reporting condition** (Tidwell, Fig. 4 and 11, column 8, lines 62-67). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched, and basing the decision to inform the user on this information. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of

higher priority than the video. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched.

Regarding claim 6: **A communication terminal comprising: a TV-broadcast receiving means for receiving a TV broadcast (Tidwell, Fig. 1, column 1, lines 15-19); a display means for carrying out an operation to display an image of a TV broadcast received by said TV-broadcast receiving means (Tidwell, Fig. 1, column 1, lines 12-15); a communication means for carrying out a communication (Tidwell, Fig. 1, column 1, lines 38-43); a storage means for storing an incoming-reporting condition indicating whether an operation to display an image of a TV broadcast takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said operation to display an image of a TV broadcast (Willame, paragraphs [0033]-[0034]); and a setting means for setting said incoming-reporting condition; wherein, if an incoming arrives while said display means is carrying out an operation to display an image of a TV broadcast: said incoming is not reported if said incoming-reporting condition is set to indicate that said operation to display an image of a TV broadcast takes precedence of an operation to report said incoming (Tidwell, Fig. 4 and 11, column 8, lines 62-67); or said incoming is reported if said incoming-reporting condition is set to indicate that an operation to report said incoming takes precedence of said operation to display an image of a TV broadcast (Tidwell, Fig. 4 and 11, column 8, lines 62-67).** Tidwell discloses a set top box that has the added functionality of



being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched, and basing the decision to inform the user on this information. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched.

Regarding claim 15: **A communication terminal according to claim 5 wherein said display means displays information on an incoming when an image of said TV broadcast is replaced by an image of a CM** (Tidwell, Fig. 4, column 1, lines 38-43). For the purpose of this rejection, examiner assumes applicant mean “call message” when referring to “CM.”

Regarding claim 17: **A video reproduction method for carrying out a video reproduction** (Tidwell, Fig. 1, column 1, lines 12-19), **said video reproduction method comprising the steps**

**of: setting an incoming-reporting condition indicating whether a video reproduction takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said video reproduction (Willame, paragraphs [0033]-[0034]); and not reporting an incoming in the event of said incoming in the course of a video reproduction if said incoming-reporting condition is set to indicate that said video reproduction takes precedence of an operation to report said incoming (Tidwell, Fig. 4 and 11, column 8, lines 62-67); or reporting an incoming in the event of said incoming in the course of a video reproduction if said incoming-reporting condition is set to indicate that an operation to report said incoming takes precedence of said video reproduction (Tidwell, Fig. 4 and 11, column 8, lines 62-67).** Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched, and basing the decision to inform the user on this information. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an

uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched.

Regarding claim 19: **A video reproduction method for carrying out an operation to display an image of a received TV broadcast** (Tidwell, Fig. 1, column 1, lines 12-19), **said video reproduction method comprising the steps of: setting an incoming-reporting condition indicating whether an operation to display an image of a TV broadcast takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said operation to display an image of a TV broadcast** (Willame, paragraphs [0033]-[0034]); **and not reporting an incoming in the event of said incoming in the course of an operation to display an image of a TV broadcast if said incoming-reporting condition is set to indicate that said operation to display an image of a TV broadcast takes precedence of an operation to report said incoming** (Tidwell, Fig. 4 and 11, column 8, lines 62-67); **or reporting an incoming in the event of said incoming in the course of an operation to display an image of a TV broadcast if said incoming-reporting condition is set to indicate that an operation to report said incoming takes precedence of said operation to display an image of a TV broadcast** (Tidwell, Fig. 4 and 11, column 8, lines 62-67). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched, and basing the

decision to inform the user on this information. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched.

Claim 3, 7, 9, 11, 18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell et al. (US Pat. 6,535,590) in view of Chatterjee et al. (Pub. No.: US 2007/0248221) and Schein et al. (Pub. No.: US 2003/0208758).

Regarding claim 3: **A communication terminal comprising: a video reproduction means for carrying out a video reproduction (Tidwell, Fig. 1, column 1, lines 15-19); a communication means for carrying out a communication (Tidwell, Fig. 1, column 1, lines 38-43); and a reproduction-end-time acquisition means for acquiring an end time of a video reproduction carried out by said video reproduction means (Schein, paragraph [0035], lines 18-22); wherein, in the event of an incoming from a communication partner in the course of a video reproduction carried out by said video reproduction means, said communication partner is informed of an end time of said video reproduction (Chatterjee, paragraph [0078],**

lines 1-5). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose acquiring the end time of the video or informing the caller of the time the video will be finished. Schein discloses using the end time of videos as a way to determine at what point a process is initiated, such as stopping the recording of the video. Chatterjee discloses notifying the caller that the user is busy, as well as allowing the user to set the time that the caller is told the user will be available. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the caller notified if the user was busy, and to tell the caller when the user would be available. Allowing the caller to know that the user is busy and when he will be available would have been highly desirable, as it would allow the caller to have access to information that would make it easier to get into contact with the user, which is assumed to be the caller's intent.

Regarding claim 7: **A communication terminal comprising: a TV-broadcast receiving means for receiving a TV broadcast** (Tidwell, Fig. 1, column 1, lines 15-19); **a display means for carrying out an operation to display an image of a TV broadcast received by said TV-broadcast receiving means** (Tidwell, Fig. 1, column 1, lines 12-15); **a communication means for carrying out a communication** (Tidwell, Fig. 1, column 1, lines 38-43); **and a program-end-time acquisition means for acquiring an end time of a program of a TV broadcast received by said TV-broadcast receiving means** (Schein, paragraph [0035], lines 18-22);

**wherein, if an incoming arrives from a communication partner while said display means is carrying out an operation to display an image of a program of a TV broadcast, said communication partner is informed of an end time of said program** (Chatterjee, paragraph [0078], lines 1-5). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose acquiring the end time of the video or informing the caller of the time the video will be finished. Schein discloses using the end time of videos as a way to determine at what point a process is initiated, such as stopping the recording of the video. Chatterjee discloses notifying the caller that the user is busy, as well as allowing the user to set the time that the caller is told the user will be available. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the caller notified if the user was busy, and to tell the caller when the user would be available. Allowing the caller to know that the user is busy and when he will be available would have been highly desirable, as it would allow the caller to have access to information that would make it easier to get into contact with the user, which is assumed to be the caller's intent.

Regarding claim 9: **A communication terminal according to claim 3 wherein said communication partner is informed of an end time** (Schein, paragraph [0035], lines 18-22) **of a video reproduction by transmitting a message including information on said end time of a video reproduction to said communication partner** (Chatterjee, paragraph [0078], lines 1-5).

This claim is rejected on the same grounds as claim 3, as claim 3 implies that a message has been sent.

Regarding claim 11: **A communication terminal according to claim 7 wherein said communication partner is informed of an end time** (Schein, paragraph [0035], lines 18-22) **of a video reproduction by transmitting a message including information on said end time of a video reproduction to said communication partner** (Chatterjee, paragraph [0078], lines 1-5).

This claim is rejected on the same grounds as claim 7, as claim 7 implies that a message has been sent.

Regarding claim 18: **A video reproduction method for carrying out a video reproduction wherein, in the event of an incoming from a communication partner in the course of a video reproduction: an end time of said video reproduction is acquired** (Schein, paragraph [0035], lines 18-22); **and said communication partner is informed of said end time of said video reproduction** (Chatterjee, paragraph [0078], lines 1-5). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose acquiring the end time of the video or informing the caller of the time the video will be finished. Schein discloses using the end time of videos as a way to determine at what point a process is initiated,

such as stopping the recording of the video. Chatterjee discloses notifying the caller that the user is busy, as well as allowing the user to set the time that the caller is told the user will be available. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the caller notified if the user was busy, and to tell the caller when the user would be available. Allowing the caller to know that the user is busy and when he will be available would have been highly desirable, as it would allow the caller to have access to information that would make it easier to get into contact with the user, which is assumed to be the caller's intent.

Regarding claim 20: **A video reproduction method for carrying out an operation to display an image of a received TV broadcast wherein, in the event of an incoming from a communication partner in the course of an operation to display an image of a program of a TV broadcast: an end time of said program is acquired** (Schein, paragraph [0035], lines 18-22); **and said communication partner is informed of said end time of said program** (Chatterjee, paragraph [0078], lines 1-5). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose acquiring the end time of the video or informing the caller of the time the video will be finished. Schein discloses using the end time of videos as a way to determine at what point a process is initiated, such as stopping the recording of the video. Chatterjee discloses notifying the caller that the user is busy, as well as



allowing the user to set the time that the caller is told the user will be available. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the caller notified if the user was busy, and to tell the caller when the user would be available. Allowing the caller to know that the user is busy and when he will be available would have been highly desirable, as it would allow the caller to have access to information that would make it easier to get into contact with the user, which is assumed to be the caller's intent.

Claim 10 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell et al. (US Pat. 6,535,590) in view of Chatterjee et al. (Pub. No.: US 2007/0248221) and Schein et al. (Pub. No.: US 2003/0208758), and further in view of Buettgenbach et al. (Pub. No.: US 2002/0032613).

Regarding claim 10: **A communication terminal according to claim 3 wherein said communication partner is informed of an end time** (Schein, paragraph [0035], lines 18-22) **of a video reproduction by transmitting an email** (Buettgenbach, paragraph [0048], lines 6-10) **including information on said end time of a video reproduction to said communication partner** (Chatterjee, paragraph [0078], lines 1-5). The communication terminal of claim 3 has been rejected, but it did not disclose the transmission of email as the method of informing the caller that the user is busy. Buettgenbach discloses the automatic generation of email based on predetermined conditions. Therefore, it would have been obvious to one of ordinary skill in the

art at the time of the invention to have the caller informed by email that the user was unavailable. Informing the caller by email would have been highly desirable, as it would leave a permanent transaction for the caller to keep a record of.

Regarding claim 12: **A communication terminal according to claim 7 wherein said communication partner is informed of an end time** (Schein, paragraph [0035], lines 18-22)**of a video reproduction by transmitting an email** (Buettgenbach, paragraph [0048], lines 6-10)**including information on said end time of a video reproduction to said communication partner** (Chatterjee, paragraph [0078], lines 1-5). The communication terminal of claim 7 has been rejected, but it did not disclose the transmission of email as the method of informing the caller that the user is busy. Buettgenbach discloses the automatic generation of email based on predetermined conditions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the caller informed by email that the user was unavailable. Informing the caller by email would have been highly desirable, as it would leave a permanent transaction for the caller to keep a record of.

Claims 4, 8, 13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell et al. (US Pat. 6,535,590) in view of Chatterjee et al. (Pub. No.: US 2007/0248221) and Schein et al. (Pub. No.: US 2003/0208758), and further in view of Willame et al. (Pub. No.: US 2006/0179462).

Regarding claim 4: **A communication terminal comprising: a video reproduction means for carrying out a video reproduction (Tidwell, Fig. 1, column 1, lines 15-19); a communication means for carrying out a communication (Tidwell, Fig. 1, column 1, lines 38-43); a reproduction-end-time acquisition means for acquiring an end time of a video reproduction carried out by said video reproduction means (Schein, paragraph [0035], lines 18-22); a storage means for storing an incoming-reporting condition indicating whether a video reproduction takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said video reproduction (Willame, paragraphs [0033]-[0034]); and a setting means for setting said incoming-reporting condition; wherein, in the event of an incoming from a communication partner in the course of a video reproduction carried out by said video reproduction means: said communication partner is informed of an end time of said video reproduction if said incoming-reporting condition is set to indicate that said video reproduction takes precedence of an operation to report said incoming (Chatterjee, paragraph [0078], lines 1-5); or said incoming is reported if said incoming-reporting condition is set to indicate that an operation to report said incoming takes precedence of said video reproduction (Tidwell, Fig. 4 and 11, column 8, lines 62-67).** Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the

video being watched and basing the decision to inform the user on this information, nor does he disclose acquiring the end time of the video or informing the caller of the time the video will be finished. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Schein discloses using the end time of videos as a way to determine at what point a process is initiated, such as stopping the recording of the video. Chatterjee discloses notifying the caller that the user is busy, as well as allowing the user to set the time that the caller is told the user will be available. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. It also would have been obvious to have the caller notified if the user was busy, and to tell the caller when the user would be available. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched. Allowing the caller to know that the user is busy and when he will be available would also have been highly desirable, as it would allow the caller to have access to information that would make it easier to get into contact with the user, which is assumed to be the caller's intent.

Regarding claim 8: **A communication terminal comprising: a TV-broadcast receiving means for receiving a TV broadcast (Tidwell, Fig. 1, column 1, lines 15-19); a display means for carrying out an operation to display an image of a TV broadcast received by said TV-broadcast receiving means (Tidwell, Fig. 1, column 1, lines 12-15); a communication means**

**for carrying out a communication** (Tidwell, Fig. 1, column 1, lines 38-43); **a program-end-time acquisition means for acquiring an end time of a program of a TV broadcast received by said TV-broadcast receiving means** (Schlein, paragraph [0035], lines 18-22); **a storage means for storing an incoming-reporting condition indicating whether an operation to display an image of a TV broadcast takes precedence of an operation to report an incoming or said operation to report an incoming takes precedence of said operation to display an image of a TV broadcast** (Willame, paragraphs [0033]-[0034]); **and a setting means for setting said incoming-reporting condition; wherein, if an incoming arrives from a communication partner while said display means is carrying out an operation to display an image of a program of a TV broadcast; said communication partner is informed of an end time of said program if said incoming-reporting condition is set to indicate that said operation to display an image of a program of a TV broadcast takes precedence of an operation to report said incoming** (Chatterjee, paragraph [0078], lines 1-5); **or said incoming is reported if an incoming-reporting condition is set to indicate that an operation to report said incoming takes precedence of said operation to display an image of a program of a TV broadcast** (Tidwell, Fig. 4 and 11, column 8, lines 62-67). Tidwell discloses a set top box that has the added functionality of being able to process phone calls and alert the user as to call activity, as well as allowing the user to activate a number of options, including priority calling, in which the user can rank the importance of phone numbers so that some incoming calls will cause the system to alert the user and some will not. However, Tidwell does not disclose comparing the priority of the incoming calls with the priority of the video being watched and basing the decision to inform the user on this information, nor does he disclose acquiring the end time of the

video or informing the caller of the time the video will be finished. Willame discloses comparing the priority of different programs to determine which take precedence in terms of which program is recorded. Schein discloses using the end time of videos as a way to determine at what point a process is initiated, such as stopping the recording of the video. Chatterjee discloses notifying the caller that the user is busy, as well as allowing the user to set the time that the caller is told the user will be available. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the decision as to whether to alert the user of an incoming call be based on a comparison of whether the phone call was of higher priority than the video. It also would have been obvious to have the caller notified if the user was busy, and to tell the caller when the user would be available. Allowing the user to program the system in such a manner would have been highly desirable, as it would allow the user to watch television in an uninterrupted manner, unless the user received an urgent phone call of higher priority than the video being watched. Allowing the caller to know that the user is busy and when he will be available would also have been highly desirable, as it would allow the caller to have access to information that would make it easier to get into contact with the user, which is assumed to be the caller's intent.

Regarding claim 13: **A communication terminal according to claim 7 wherein: said TV-broadcast receiving means receives a digital broadcast** (Willame, paragraphs [0002], lines 1-10); **and said program-end-time acquisition means acquires an end time of a program of a TV broadcast from information included in broadcasted data of a digital broadcast received by said TV-broadcast receiving means** (Willame, paragraphs [0059], lines 1-5). The

communication terminal of claim 7 has been rejected, however it did not disclose receiving a digital broadcast or having the end time of a program encoded in the digital signal. Willame discloses broadcasting television in digital form, as well as transmitting schedule information encoded in the digital broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for a digital broadcast and that schedule information would be included in the digital broadcast. Because digital television broadcast is positioned to become the new standard in broadcasting, it would have been highly desirable to incorporate it into a TV broadcast receiving communication terminal.

Regarding claim 14: **A communication terminal according to claim 7 wherein said program-end-time acquisition means acquires an end time of a program of a TV broadcast from information included in a program table distributed by an EPG** (Willame, paragraphs [0059], lines 1-5). The communication terminal of claim 7 has been rejected, however it did not disclose acquiring a program end time from an EPG. Willame discloses receiving program information from an EPG, which inherently includes program end times. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the program end time to be acquired from an EPG. Because EPGs are commonly used in the art, it would have been highly desirable to incorporate using them as an information source.

Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell et al. (US Pat. 6,535,590) in view of Willame et al. (Pub. No.: US 2006/0179462), and further in view of Humphrey et al. (Pat. No.: 6,462,675).

Regarding claim 16: **A communication terminal according to claim 1, said communication terminal further having a position-information acquisition means for acquiring position information** (Humphrey, column 4, lines 35-38), **wherein an incoming is reported in accordance with position information acquired by said position-information acquisition means** (Humphrey, column 4, lines 35-38). The communication terminal of claim 1 has been rejected, however it did not disclose acquiring position information. Humphrey discloses using a GPS receiver in order to acquire position information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the communication terminal be able to acquire position information. It would have been highly desirable for the user to be able to decide if he wanted to receive a call based on his position, as there would be some places where a user would not want to receive a call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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/Josh Taylor/

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